

MINUTES
OXNARD CITY COUNCIL
Regular Meeting
November 18, 2014

A. ROLL CALL/POSTING OF AGENDA

At 5:00 p.m., the regular meeting of the Oxnard City Council convened in the Council Chambers concurrently with the Oxnard Community Development Commission Successor Agency Commission Development Commission Successor Agency. Councilmembers Tim Flynn, Carmen Ramirez, Bryan A. MacDonald, Dorina Padilla and Bert Perello were present. The City Clerk stated that the agenda was posted on Thursday in the Library and City Clerk's Office. Mayor Flynn presided and called the meeting to order. Staff members present were: Daniel Martinez, City Clerk; Greg Nyhoff, City Manager; Stephen Fischer, Interim City Attorney; Kymberly Horner, Interim Redevelopment Services Manager and Todd Mooney, Kane, Ballmer & Berkman, Special Legal Counsel.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

C. CLOSED SESSION

At 5:02 p.m. the City Council recessed while the Oxnard Community Development Commission Successor Agency held a closed session.

D. OPENING CEREMONIES

At 6:10 p.m., the regular meeting of the Oxnard City Council reconvened in the Council Chambers, concurrently with the Oxnard Community Development Commission Successor Agency. The meeting opened with the pledge of allegiance to the flag of the United States, followed by a moment of silence. Mayor Flynn presided. Additional staff members present were: Danielle Navas, City Treasurer; Jeri Williams, Police Chief; Matthew Winegar, Development Services Director; James Cameron, Chief Financial Officer; Grace Magistrale Hoffman, Deputy City Manager; Martin Erickson, Deputy City Manager; Michael Henderson, General Services Manager; Ashley Golden, Acting Planning and Environmental Services Manager; Daniel Rydberg, Interim Utilities Director; Lou Balderrama, City Engineer; Cynthia Daniels, Project Manager; Michael More, Financial Resources Manager; Jason M. Samonte, Traffic Engineer and Jamie Brown, Police Officer.

E. CEREMONIAL CALENDAR

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Public comments were received from: Ed Ellis; Dr. Donald Thibeault; Steve Nash; Larry Stein; Jim Milstead; Janis McCormick; Michael Stubblefield; Juan Jose Rangel; Dan Pinedo; Inez Tuttle; Al Velasquez; C.W. Williams; Daniel Lechlitter; Juan Delgado; Gloria Roman; William Terry and Greg Runyon.

F. TRANSMITTAL OF INFORMATION ONLY ITEMS

H. INFORMATION/CONSENT PUBLIC HEARINGS

K. REPORTS**City Manager Department**

1. **SUBJECT:** Internal Control Over Financial Reporting Related to Employee Leave Balances. (001)

RECOMMENDATION: Receive a report and provide comments.

DISCUSSION: Dania Torres Wong, and Burke Dunphy, City's labor attorneys, reviewed the process to accrue vacation leave, enforcement issues of "leave" caps and the finding that some individuals have excess "leave" over approved accrual caps.

Public comments were received from: Roger Brooks; Aaron Starr; Dan Pinedo; David Valenzuela; Larry Stein; Inez Tuttle; Martin Jones; Jim Milstead; George Miller and Al Velasquez.

The City Manager commented on the process to make corrections regarding past policies.

The City Council discussed: the need to negotiate with union agreements; other cities policies; factors regarding accruing vacation and sick leave; management accountability; the need for employees to take vacations and the responsibility of the Council.

ACTION: The City Council provided comments and directions to staff.

I. PUBLIC HEARINGS**Planning Department**

1. **SUBJECT:** Appeal of Planning and Zoning Permit No. 14-400-01 (Coastal Development Permit to amend Planned Development Permit No. 42), Located at 5540 West Fifth Street, Oxnard Shores Mobile Home Park. Filed by Mike Marlow on behalf of Oxnard Shores Co. LLC.

RECOMMENDATION: Continued to December 9, 2014.

ACTION: Moved to continue this item to December 9, 2014. (Ramirez/Perello) Ayes: Flynn, Ramirez, MacDonald, Padilla and Perello.

J. APPOINTMENT ITEMS**Police Department**

1. **SUBJECT:** Bicycle Safety.

RECOMMENDATION: Receive a verbal presentation of citywide efforts on bicycle safety and City of Oxnard Bicycle and Pedestrian Facilities Master Plan implementation.

DISCUSSION: The Police Chief presented a bike safety video and discussed efforts to work with groups interested in assisting with "bicycle" safety programs. The Project Manager reviewed community project designs for bicycles. The Police Officer reviewed "bicycle helmet" use and safety requirements.

Public comments were received from: Pat Brown; Daniel Lechlitter; Juan Delgado; Roy Prince and Al Velazquez.

The City Council commented on: bicycle safety grants and having prevention programs including a "helmet" program.

ACTION: The City Council received the report.

Q. REVIEW OF INFORMATION/CONSENT AGENDA

Comments were received from: Interim Redevelopment Services Manager (S-3(B)); Police Chief (S-3(C) & (S-3(E)); Interim Utilities Director (S-3(F)); City Treasurer (S-4); Financial Resources Manager and Traffic Engineer (S-5); Development Services Director and Project Manager (S-6).

R. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

Public comment was received from: Inez Tuttle (S-3(B)).

S. INFORMATION/CONSENT AGENDA**City Attorney Department**

1. **SUBJECT:** Second Reading of **Ordinance No. 2886** Forming a Cultural Arts Commission. (069)
RECOMMENDATION: Second reading and adoption.

City Manager Department

3. **SUBJECT:** Agreements for City Council Review. (083)
RECOMMENDATION: Approve and authorize the City Manager, to execute the attached agreements/contracts and change orders/amendments in amounts more than \$25,000 but no more than \$250,000, which are described on the attached list. *

City Treasurer Department

4. **SUBJECT:** Quarterly Investment Report for the First Quarter F/Y 2014-2015. (087)
RECOMMENDATION: Accept the Quarterly Investment Report for the First Quarter F/Y 2014-2015.

Development Services Department

5. **SUBJECT:** Approval of Lowest Responsible Responsive Bid and Authorization to Issue and Execute Contract for DS14-10 Traffic Signal Modifications at Rice Avenue and Latigo Avenue Intersection. (095)
RECOMMENDATION: Award contract to the lowest responsible and responsive bidder, Taft Electric Company (A-7726) in the amount of \$200,607.83 for DS14-10 Traffic Signal Modifications at Rice Avenue and Latigo Avenue Intersection and authorize the purchasing agent to execute the contract upon receipt of final documents.
6. **SUBJECT:** Request for Cooperative Work Agreement with the California Department of Finance (DOF) for Time Extension for Funding for the Rice Avenue/Santa Clara Avenue Interchange Improvements at U.S. Highway 101. (139)
RECOMMENDATION: Approve and authorize the Mayor to execute the request for a time extension to June 30, 2017 as a cooperative work agreement (CWA) with the California Department of Finance (DOF) (A-7388) in the amount of \$27,971 for the Rice Avenue/Santa Clara Avenue Interchange Improvements at U.S. Highway 101.

Fire Department

7. SUBJECT: Authorization to Submit Two Grant Applications to the Federal Emergency Management Agency for \$535,000 in Assistance to Firefighters Grants (AFG) Program Funds. (145)
RECOMMENDATION: Adopt **Resolution No. 14,699** authorizing: 1) The City Manager to submit two grant applications to the Federal Emergency Management Agency (FEMA) Assistance to Firefighters Grant program in the amount of \$535,000; 2) The City Manager or designee to execute the grant agreement if grant funds are awarded to the City; 3) The Chief Financial Officer to appropriate the grant funds and perform all other required financial actions; and 4) The Fire Chief or designee to submit non-financial reports.

General Services Department

8. SUBJECT: Approval of Lowest Responsible Responsive Bid and Authorization to Issue and Execute a Contract for PW13-18-Nyeland Acres 12-inch Waterline Loop. (149)
RECOMMENDATION: 1) Award contract to the lowest responsible and responsive bidder, J & H Engineering General Contractors, Inc. (A-7725) in the amount of \$241,780 for PW13-18 Nyeland Acres 12-inch Waterline Loop, and authorize the purchasing agent to execute the contract upon receipt of final documents; and 2) Approve a Budget Appropriation in the amount of \$280,000 from Water Enterprise Fund.

Housing Department

9. SUBJECT: Impact Fee Loan Agreement for the Courts Project. (169)
RECOMMENDATION: Approve and authorize the Mayor to execute a loan agreement with UHC 00558 Oxnard, L.P. (A-7732) for deferred impact fees related to the development of the Courts project subject to any modifications or changes as the Chief Financial Officer shall require or approve.

Utilities Department

10. SUBJECT: Second Amendment to Purchase Order No. 4203 with Kemira Water Solutions for Supply and Delivery of Ferric Chloride to the Wastewater Treatment Plant. (175)
RECOMMENDATION: Approve and authorize the Mayor to execute a Second Amendment to Purchase Order No. 4203 with Kemira Water Solutions (Kemira) for the supply and delivery of Ferric Chloride to the Wastewater Treatment Plant, extending the expiration date from October 16, 2014 to October 16, 2015, and adding \$440,000 to the amount, increasing the total from \$914,790 to \$1,354,790.
11. SUBJECT: Labor Compliance Program for Ventura County Regional Urban Landscape Efficiency Program. (179)
RECOMMENDATION: Adopt **Resolution No. 14,700** to establish a Labor Compliance Program to comply with Proposition 84 Grant Funding for the Ventura County Regional Urban Landscape Efficiency Program.

INFORMATION/CONSENT AGENDA ACTION: Approved as recommended. (Ramirez/Padilla)
Ayes: Ramirez, MacDonald, Padilla, Perello and Flynn. *Noes: Perello only (S-3(b)).

K. REPORTS

2. **SUBJECT:** Extension of the Channel Islands Harbor Annexation Agreement. (009)
RECOMMENDATION: Approve and authorize the Mayor to execute the Seventh Amendment, consisting of a four-month extension to the City of Oxnard Annexation Agreement, between the County of Ventura (A-7638) as it relates to Channel Islands Harbor, and the City of Oxnard, to allow for negotiation of a replacement agreement.
DISCUSSION: The Development Services Director reviewed community discussions and returning to Council with recommendation. The City Manager requested the four-month extension and information would be provided regarding costs, services and revenues received.

Public comments were received from Steve Kinney; Inez Tuttle; Al Velasquez and Daniel Lechlitter.

The City Council discussed: the agreement extension; need to understand agreement details; City costs, revenues received and services provided by the City.

ACTION: Approved as recommended. (Flynn/Perello). Ayes: MacDonald, Padilla, Perello, Flynn and Ramirez.

Community Development Department

3. **SUBJECT:** Master Agreement Regarding Expenditure of Bond Proceeds. (013)
RECOMMENDATION: Adopt **Resolution No. 14,698** approving a Master Agreement Regarding Expenditure of Bond Proceeds Between the City and the Oxnard Community Development Commission Successor Agency (6954-14-CD).
DISCUSSION: The Interim Redevelopment Services Manager reviewed the past issue of bonds in the redevelopment project area(s) for (reconstruction of) streets, debt service, authorized uses of the bond funds and providing information to Oversight Board. The City Engineer commented on past repairs of streets in the Ormond Beach Neighborhood

Public comments were received from: Daniel Lechlitter and Dan Pinedo.

The Council discussed: possible use of bonds for streets and other authorized uses; time schedule to use bonds proceeds and amount of needed repairs within redevelopment project area(s).

ACTION: Approved as recommended. (MacDonald/Padilla). Ayes: Padilla, Perello, Flynn, Ramirez and MacDonald.

COMMUNITY DEVELOPMENT COMMISSION SUCCESSOR AGENCY

At 10:44 p.m. the joint meeting with the Community Development Commission Successor Agency concluded.

L. REPORT OF CITY MANAGER

1. **SUBJECT:** Selection of Executive Recruitment Firm. (045)
RECOMMENDATION: Approve and authorize the City Manager to execute an agreement with William Avery & Associates, Inc. (6947-14-HR) in the amount of \$79,100 for executive recruitment services for the positions of City Attorney, Housing Director, Human Resources Director, and Utilities Director.

DISCUSSION: The City Manager reviewed the selection process of the recruitment firm.

Public comment was received from: Joseph Contaoi.

The Council discussed the selection process of the City Attorney by Councilmembers.

ACTION: Approved as recommended with directions regarding selection process of City Attorney by the (two Councilmember) committee. (MacDonald/Ramirez) Ayes: Padilla, Flynn, Ramirez and MacDonald. Noes: Perello.

M. CITY COUNCIL/BUSINESS/COMMITTEE REPORTS

The Council discussed: the proposed fourth "power plant" (NRG facilities) on beach; Veteran's Day Event honoring veterans; Oxnard Boulevard Improvement planning sessions; street crossing upgrade; report regarding recent crime incident in the community; report of major fire in Santa Paula regarding materials being discarded into Oxnard infrastructure and Channel Islands Harbor information update.

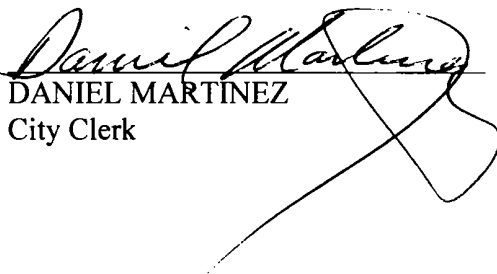
N. PUBLIC COMMENTS ON REPORTS

O. PUBLIC COMMENTS ON STUDY SESSION

P. STUDY SESSION

T. ADJOURNMENT

At 11:14 p.m. the City Council concurred to adjourn the meeting.


DANIEL MARTINEZ
City Clerk


TIM FLYNN
Mayor